

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

FILED

FEB 18 2020

Clerk, U.S. District Court
District Of Montana
Missoula

UNITED STATES OF AMERICA,

Plaintiff,

vs.

WANDA JOYCE MURRAY and
RONALD E. MOON, Individually and
as Trustee(s) of the Moon Family
Trust,

Defendants.

CV 19-23-M-DLC

ORDER

WANDA JOYCE MURRAY,

Counterclaim
Plaintiff,

vs.

UNITED STATES OF AMERICA,

Counter-
defendant.

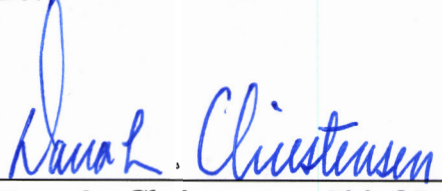
Following the preliminary pretrial conference on January 14, 2020, the Court stayed discovery pending its ruling on the jurisdictional issue presented in this case. (Doc. 41.) In other words, the Court must decide whether it has subject matter jurisdiction over the counterclaims before it can turn to the merits. The Government foreshadowed potential arguments that the Court does not have

subject matter jurisdiction in its proposed case management plan. There, it contended that the Court lacks subject matter jurisdiction under the Federal Tort Claims Act, the Tucker Act, or by way of the fact that the defendants no longer own the property at issue. (Doc. 38.)

Now, Defendant and Counterclaim Plaintiff Wanda Joyce Murray (“Murray”) files an opposed motion to lift the discovery stay. (Doc. 45.) In support of her motion, Murray states that she seeks relevant information contained in Wetland Reserve Program’s administrative files as they relate to two adjoining property owners. (*Id.* at 2.) Her motion puts the cart before the horse. Once the Court rules on the jurisdictional issue following full briefing by the parties (*see* Doc. 41), it will reopen discovery if appropriate.

Accordingly, IT IS ORDERED that the motion (Doc. 45) is DENIED.

DATED this 18th day of February, 2020.



Dana L. Christensen, Chief Judge
United States District Court